

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

2008-CR-0022

v.

KENDALL PETERSEN,

Defendant.

**TO: Evan Rikhye, Esq., AUSA
Martial A. Webster, Sr., Esq.**

**ORDER DENYING GOVERNMENT'S MOTION TO REVOKE DEFENDANT'S
CONDITIONS OF PRETRIAL RELEASE**

THIS MATTER came before the Court for consideration upon Government's Motion to Revoke Defendant's Conditions of Pretrial Release Based on the Defendant's Possession of Marijuana (Docket No. 43). A hearing was scheduled and began on February 18, 2009, and was continued to and concluded on February 27, 2009. The government was represented by Evan Rikhye, Esq., AUSA. Martial A. Webster, Sr., Esq., appeared on behalf of Defendant. Defendant also was present.

Having heard the testimony of witnesses and arguments of counsel and upon due consideration thereof, the Court finds that the government has failed to present sufficient

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evidence for the Court to find that there is "probable cause to believe that [Defendant] has committed a Federal, State, or local crime while on release . . ." 18 U.S.C. § 3148(b)(1)(A).

Accordingly, it is now hereby **ORDERED** that Government's Motion to Revoke Defendant's Conditions of Pretrial Release Based on the Defendant's Possession of Marijuana (Docket No. 43) is **DENIED**.

ENTER:

Dated: February 27, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE